

**AUCTIONEER BOARD
MADISON, WISCONSIN
MARCH 27, 2000**

PRESENT: Ronald Bast, Robert Brandau, Richard Lust, Robert Massart, Mark Shain, Marie Skic-Loy

EXCUSED: Marie Kohlbeck

STAFF PRESENT: Cletus Hansen, Bill Dusso, Legal Counsel, and Jan Neitzel; Members of the Division of Enforcement were available for portions of the meeting.

CALL TO ORDER

The meeting was called to order at 9:17 a.m. by Richard Lust, Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

Additional items were added to the agenda (information on Don Rittel's resignation and a letter from the state of Tennessee, relating to reciprocity).

MOTION: Ron Bast moved, seconded by Bob Brandau, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (1/24/00)

Bob Brandau stated that he did vote "yes" in the cost assessment vote for Paul George, Dean George and George Auctioneer Service.

MOTION: Ron Bast moved, seconded by Marie Skic-Loy, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Marlene Cummings

Secretary Cummings was not available.

Cletus J. Hansen

- Introduction

A new auditor, Mark McKenzie, was introduced to the Board.

- Roster

Ron Bast noted that his area code had changed to 262.

- Meeting Dates

The Board received a copy of the year 2000 meeting dates.

- Credential Holder Query

Clete Hansen reported that there is a website for the public to check on license holders. Richard Lust stated he has used this website and has found it to be beneficial.

LEGISLATIVE UPDATE

Advertising and Licensing (AB 437 & SB 224)

AB 437 and SB 224 have passed the Assembly but have not passed the Senate. If the Bills have not been passed by the last day of this session, March 31, 2000, they will need to be re-submitted in the next session.

ACTIVITIES THAT MAY BE PERFORMED BY AUCTIONEER DURING SUSPENSION OR REVOCATION (DEAN GEORGE)

ADMINISTRATIVE RULES

Interpretation of s. 480.09(7)

The Board discussed the number of days a temporary permit can be held. The Board recommended that the rules provide for a 60-day temporary permit.

Auction-Related Services While Suspended or Revoked

William Dusso, Charles Howden, and Clete Hansen discussed the proposed changes in RL 126 (2)(d)(5) to further clarify the services an auctioneer may provide while their registration is suspended or revoked.

Richard Lust suggested adding a comma after bid-calling and add bid-calling after the comma, so the rule would read “in any form of auctioneer related bid-calling, bid-calling contest, or bid-calling competitions.”

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to accept the draft as amended and to request Secretary Cummings to submit the revised draft to the Clearinghouse. Motion carried unanimously.

Buyers Fee or Surcharge

Pam Haack, Legal Services, will submit a rule draft to the Board.

RECIPROCITY AGREEMENTS

Tennessee has signed a reciprocal agreement with Wisconsin.

MOTION: Ron Bast moved, seconded by Mark Shain, to recommend that the Auctioneer Board sign a reciprocal agreement with Tennessee. Motion carried unanimously.

Pennsylvania has declined a reciprocal agreement with Wisconsin.

Kentucky has a reciprocal agreement with Wisconsin and has requested information on fees.

Illinois and Wisconsin have a reciprocal agreement.

MISCELLANEOUS INFORMATION/CORRESPONDENCE

Bill Dusso stated that Don Rittel had resigned.

The Board requested that an appreciation letter be sent to Don Rittel through Mr. Dusso.

MOTION: Ron Bast moved, seconded by Marie Skic-Loy, to send an appreciation letter to Don Rittel. Motion carried unanimously.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of Case Status Reports, case closings, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Marie Skic-Loy-yes; Ronald Bast-yes; Bob Massart-yes; Bob Brandau-yes; Richard Lust-yes; Mark Shain-yes.

Open Session recessed at 10:15 a.m.

The Board received a copy of the Case Status Report.

The Board deliberated on case closings, administrative warnings, and stipulations.

ADJOURN CLOSED SESSION

MOTION: Bob Brandau moved, seconded by Mark Shain, to adjourn the Closed Session to reconvene in Open Session as publicly announced. Motion carried unanimously.

Closed Session adjourned at 11:27 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION
ADMINISTRATIVE WARNING**

Francis J. Pflum and Premium Auction Company-99 AUC 017

MOTION: Ron Bast moved, seconded by Marie Skic-Loy, to accept the administrative warning for Francis J. Pflum and Premium Auction Company. Motion carried unanimously.

Carl H. Seitz

MOTION: Ron Bast moved, seconded by Bob Brandau, to change the administrative warning to a case closing (P3) for Carl H. Seitz. Motion carried unanimously.

CASE CLOSINGS

MOTION: Bob Massart moved, seconded by Marie Skic-Loy, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

98 AUC 013	Hansen & Young Auctioneer	Letter of education
98 AUC 013	Roger Hansen	Letter of education
98 AUC 013	Erlyn Young	Letter of education

MOTION: Ron Bast moved, seconded by Mark Shain, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

99 AUC 040	Unknown	Insufficient evidence
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MOTION: Marie Skic-Loy moved, seconded by Mark Shain, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

00 AUC 006	Dean K. George	No violation
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MOTION: Bob Massart moved, seconded by Marie Skic-Loy, to close the following case presented by the Division of Enforcement. Motion carried unanimously.

98 AUC 009	Carl H. Seitz	P1
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STIPULATIONS

Harry Davis & Company (Pittsburgh, PA.) and Martin I. Davis (Pittsburgh, PA.)

MOTION: Mark Shain moved, seconded by Ron Bast, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Harry Davis & Company and Martin I. Davis. Motion carried unanimously.

Mark A. Burris (Shullsburg, WI.)

MOTION: Marie Skic-Loy moved, seconded by Bob Massart, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Mark A. Burris. Motion carried unanimously.

Randy J. Backes (Waterloo, IA.) and Rodney A. Backes (Jessup, IA.)

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Randy J. Backes and Rodney A. Backes. Motion carried unanimously.

Thomas C. Blackmon (Little Rock, AK.)

MOTION: Bob Brandau moved, seconded by Marie Skic-Loy, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Thomas C. Blackmon. Motion carried unanimously.

Dennis L. Pinno (Bear Creek, WI.)

MOTION: Marie Skic-Loy moved, seconded by Bob Brandau, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Dennis L. Pinno. Motion carried unanimously.

Charles Fandrich (Portage, WI.)

MOTION: Bob Massart moved, seconded by Marie Skic-Loy, to accept the Stipulations, Findings of Fact, Conclusions of Law and Order in the disciplinary matter involving Charles Fandrich. Motion carried unanimously.

PETITIONS FOR REVIEW IN CIRCUIT COURT OF ROCK COUNTY

Paul S. George (Brooklyn, WI.)

Bill Dusso explained that Mr. Dean George has two requests from the Board.

1. Mr. George requested that suspension of his license be effective when announced in the paper, October 27, 1999, instead of the signed order's effective date, November 28, 1999.

MOTION: Bob Massart moved, seconded by Marie Skic-Loy, to reaffirm the license suspension date of November 28, 1999. Motion carried unanimously.

2. Mr. George requested the Board permit him to advertise now to work as an auctioneer when his license is reinstated.

MOTION: Bob Massart moved, seconded by Mark Shain, to grant Dean George approval to advertise and arrange for auctions now, to be held after May 28, 2000, providing he complies with the terms and conditions of his suspension. Motion carried unanimously.

Mr. Dean informed Mr. Dusso that he did not work the Amwood Homes event as an auctioneer.

The Court upheld the decision of the Board relating to Mr. George. The Court will decide the matter pertaining to costs at a later date.

MOTION: Bob Massart moved, seconded by Mark Shain, that Mr. George must comply with all the terms of his suspension. Motion carried unanimously.

ADJOURNMENT

MOTION: Ron Bast moved, seconded by Bob Brandau, to adjourn the meeting at 11:47 a.m. Motion carried unanimously.